

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

June 19, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Gregory J. Oliver, County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Craig Pedro, County Administrator, led the Pledge of Allegiance.

Oral Comm-
Economy

Bruce Erickson addressed the Board on the economy.

ConsentCalendar

On motion of Supervisor Gray, seconded by Supervisor Royce, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meeting held May 15, 2012.

Ordinance
Summary

2. Finding that a summary of Ordinance No 3203 was published June 8, 2012, in The Union Democrat as required by law.

Legislation SB
1221 Hound Hunt

3. Approving correspondence opposing SB 1221 which would prohibit the use of dogs when hunting bears or bobcats, authorizing the Chair to sign.

CIP-HVACFamily
Wellness Facility

4. Awarding the HVAC Project for the Family Health and Wellness Facility to Waters Plumbing, Heating and Air in the amount of \$62,754, authorizing the County Administrator to sign.

CRA-Regional
Used Oil Payment
Program

5. Resolution No. 38-12, authorizing the Community Resources Director to submit applications for the Regional Used Oil Payment Program on behalf of the City of Sonora and Tuolumne County.

TCYC-Resign.

6. Accepting the resignation of Amanda Klaahsen from the Tuolumne County Youth Commission and directing the Clerk of the Board of Supervisors to send a letter of appreciation and post a Notice of Vacancy.

CIP-Jail Roofing

Maureen Frank, Deputy County Administrator, requested consideration of awarding the Jail Roofing project to Garland/Design Build Solutions, Inc., in the amount of \$206,060, and responded to questions from the Board.

It was moved by Supervisor Pland, seconded by Supervisor Gray, and carried by unanimous vote, awarding the Jail Roofing project to Garland/Design Build Solutions, Inc., in the amount of \$206,060, authorizing the Chair to sign.

HR-OE3; Health
Care; Attorneys;
Assoc; Physicians
MOUs; Mgmt
MOU; Exec Conf
Com Plan

The Board considered approving: addendums to the Tuolumne County Employees/OE3 Unit, Health Care Employees Association, Attorneys Association, and Physician Unit 2010-2013 Memorandums of Understanding and Compensation Plan restoring approximately 3% of previously agreed to labor concessions effective July 1, 2012; addendum to the 2010-2013 Management Association Memorandum of Understanding restoring approximately 4.8% of previously agreed to labor concessions effective July 1, 2012; and the 2012-2013 Executive/Confidential Unit Compensation Plan restoring approximately 3% of previously agreed to labor concessions effective July 1, 2012.

Craig Pedro, County Administrator, addressed the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, and carried by unanimous vote, to approve: **A)** addendums to the Tuolumne County Employees/OE3 Unit, Health Care Employees Association, Attorneys Association, and Physician Unit 2010-2013 Memorandums of Understanding and Compensation Plan restoring approximately 3% of previously agreed to labor concessions effective July 1, 2012; **B)** an addendum to the 2010-2013 Management Association Memorandum of Understanding restoring approximately 4.8% of previously agreed to labor concessions effective July 1, 2012; and **C)** approving the 2012-2013 Executive/Confidential Unit Compensation Plan restoring approximately 3% of previously agreed to labor concessions effective July 1, 2012, and adoption of the following resolution.

Resolution No. 39-12

Approving the 2012-2013 Executive/Confidential Unit Compensation Plan restoring approximately 3% of previously agreed to labor concessions effective July 1, 2012.

Commendation-
TCYC

The Board considered approving Certificates of Recognition for Emma Holloway, Megan Holloway, Luke Houghton, Kendra Jamar, Kelsie Klaahsen, Kristin McCluskey, Camilla Richardson, April Robles, Jared Smith and Katie Young, for their service on the Tuolumne County Youth Commission for the 2010 through 2012.

It was moved by Supervisor Bass, seconded by Supervisor Gray, to approve Certificates of Recognition for Emma Holloway, Megan Holloway, Luke Houghton, Kendra Jamar, Kelsie Klaahsen, Kristin McCluskey, Camilla Richardson, April Robles, Jared Smith and Katie Young, for their service on the Tuolumne County Youth Commission for the 2010 through 2012.

Kathy Fascilla addressed the Board.

Motion carried unanimously.

Commendation-
Beranek

The Board considered honoring Millie Beranek for the ten years of dedicated service that she provided to the County as a member of the Southern Tuolumne County Planning. Commissioner Beranek recently passed away unexpectedly but the memory of her many contributions and commitment to the County will long be remembered.

On motion of Supervisor Gray, seconded by Supervisor Hanvelt, the following resolution was adopted by unanimous vote.

Resolution No. 40-12

Commending Millie Beranek for the ten years of dedicated service that she provided to the County as a member of the Southern Tuolumne County Planning.

Supervisor Gray presented the resolution to Frank Beranek.

Mr. Beranek thanked the Board.

Proposed Budget
2012/13 (Cont'd)

Mr. Pedro requested consideration of approving the FY 2012-13 recommended budget with associated staffing changes (no layoffs), authorizing staff to proceed with capital projects prior to the final budget hearing, approving the FY 2012-13 Information Technology Steering Board Project List and authorizing staff to proceed with projects prior to the final budget hearing and canceling the second and fourth Tuesday meetings of the Board for the 2012-13 fiscal year and responded to questions from the Board.

Michael Knowles, District Attorney; James Mele, Sheriff/Coroner, addressed the Board responded to questions from the Board.

Sergeant Jacobs of the California Highway Patrol (CHP); Colleen Meyers; Dan Graziose, John Popkey; and Mike Suess addressed the Board.

The Board recessed at 10:33 a.m. and reconvened at 10:47 a.m.

Chair- Pull
Announcement

The Chair announced that items 15 and 16 have been pulled and will return at a later date.

(Cont'd) Proposed
Budget 2012/13

The Board continued consideration of approving the FY 2012-13 recommended budget with associated staffing changes (no layoffs), authorizing staff to proceed with capital projects prior to the final budget hearing, approving the FY 2012-13 Information Technology Steering Board Project List and authorizing staff to proceed with projects prior to the final budget hearing and canceling the second and fourth Tuesday meetings of the Board for the 2012-13 fiscal year

Mr. Pedro addressed the Board responded to questions from the Board.

Discussion ensued.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, approve approving the FY 2012-13 Recommended Budget with the updated chart.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 3-2 vote with Supervisors Royce and Hanvelt dissenting, to approve all associated staffing changes (no layoffs until after the Final Budget Hearing).

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to authorize staff to proceed with Capital projects prior to the final budget hearing.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve the Fiscal Year 2012/13 Information Technologies Steering Board Project list, authorizing staff to proceed with projects prior to the final budget hearing.

It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve cancelling the second and fourth Tuesday meetings of the Board of Supervisors for the Fiscal Year 2012/13.

It was moved by Supervisor Gray and seconded by Supervisor Bass, to direct staff to send correspondence to the State regarding of the status of Jamestown Railtown funding and request to consider an allocation of \$30,000 to Jamestown Railtown.

Discussion ensued.

Motion carried unanimously.

TPPA-Agree
Dominic Salluce

The Board recessed and reconvened as the Tuolumne Public Power Agency at 11:40 a.m.

Kathleen Haff, Tuolumne Public Power Agency Deputy Director, requested consideration of approving the Tuolumne Public Power Agency (TPPA) Agreement for Professional Services with Dominic Salluce for FY 2012-13 and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to approve the Tuolumne Public Power Agency (TPPA) Agreement for Professional Services with Dominic Salluce for FY 2012-13, authorizing the County Administrator to sign.

TPPA Budget
2012-13

Ms. Haff requested consideration of approving the TPPA Budget for FY 2012-13 and responded to questions from the Board.

Mr. Pedro responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the TPPA Budget for FY 2012-13.

The TPPA recessed and reconvened as the Board of Supervisors at 11:54 a.m.

**BH-Mental Health
Update to Three
year Program
Plan**

Rita Austin, Behavioral Health Director, requested consideration of approving the Mental Health Services Act Fiscal Year 2012/13 Update to the Three-Year Program and Expenditure Plan and responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve the Mental Health Services Act Fiscal Year 2012/13 Update to the Three-Year Program and Expenditure Plan.

The Board recessed at 11:59 a.m. and reconvened at 1:30 p.m.

Rezone-Matteson

Public hearing was declared open to consider **RUTHELL MATTESON, 1)** Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ12-003) 10.8+ acres to RE-10:PD; and **2)** Planned Unit Development Permit (PUD12-002) to authorize an increase in the number of dwelling units allowed on the parcel beyond that established by Section 17.29.020 of the Tuolumne County Ordinance Code. The applicant proposes three dwelling units, on the 10.8± acre parcel, located at 12289 Jacksonville Road in Jamestown. It is a portion of Section 18, Township 1 South, Range 15 East; APN. 65-220-07.

Beverly Shane, Community Resources Agency Director, presented the staff report and responded to questions from the Board.

Steven Mikelich and Larry Matteson spoke in favor.

Steve McCann, Sandra Thomason, Mike Johnson and Don DeLuca spoke in opposition.

Mr. Mikelich spoke in rebuttal.

Mr. Matteson spoke in surrebuttal responded to questions from the Board.

Mr. McCann, Mr. Johnson and Mr. DeLuca spoke in surrebuttal.

No one wished to speak, the public hearing was declared closed.

Ms. Shane responded to questions from the Board.

The Board recessed at 2:22 p.m. and reconvened at 2:27 p.m.

Discussion ensued.

Ms. Shane and Carlyn Drivdahl, Deputy County Counsel, responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to approve: **1) Zone Change**, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning district; **D)** The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, and **2) Planned Unit Development Permit PUD12-002** based on findings 1-28, finding that: **A)** The proposed Planned Unit Development Permit is consistent with the Tuolumne County General Plan; **B)** The proposed Planned Unit Development Permit will not overburden existing municipal facilities; **C)** The size and terrain of the parcel is suitable for the development proposed in the Planned Unit Development Permit; **D)** Under the circumstances of the particular case, approval of the proposed Planned Unit Development Permit will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed development, or be substantially detrimental or injurious to property or improvements in the neighborhood; **E)** Under the circumstances of this particular case, the public benefit derived from the development proposed in the Planned Unit Development Permit is sufficient to justify exemption from the normal application of the County's development regulations. The public benefit derived from this project is the provision of affordable housing; and **F)** The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, with the lower density change from 3 to 2, and adoption of the following ordinance.

Ordinance No.

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Ms. Drivdahl addressed the Board on findings for the lower density addressed in Government Code § 65589.5 (J).

Discussion ensued.

Supervisor Gray withdrew his motion.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by 4-1 vote with Supervisor Gray dissenting, to approve: **1) Zone Change**, finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County

General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning district; **D)** The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, and **2)** Planned Unit Development Permit PUD12-002 based on findings 1-28, finding that: **A)** The proposed Planned Unit Development Permit is consistent with the Tuolumne County General Plan; **B)** The proposed Planned Unit Development Permit will not overburden existing municipal facilities; **C)** The size and terrain of the parcel is suitable for the development proposed in the Planned Unit Development Permit; **D)** Under the circumstances of the particular case, approval of the proposed Planned Unit Development Permit will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed development, or be substantially detrimental or injurious to property or improvements in the neighborhood; **E)** Under the circumstances of this particular case, the public benefit derived from the development proposed in the Planned Unit Development Permit is sufficient to justify exemption from the normal application of the County's development regulations. The public benefit derived from this project is the provision of affordable housing; and **F)** The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, with the lower density changed from limit of new additions from 3 to 2, and adopt the following ordinance.

Ordinance No. 3204

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Reports-Bass

Supervisor Bass reported that on June 6, 2012, she attended a Senior Leadership Tuolumne County meeting; on June 12th she attended the Housing Loan Review Group; and on June 6/13 she attended the Tuolumne County Senior Expo.

Reports-Gray

Supervisor Gray reported that on June 7, 2012, he met with CHP officers at Old Priest Grade; on June 8th, he attended the Tuolumne County Economic Development Authority (TCEDA) meeting; on June 9th, he attended the John Muir Celebration; on June 11th, he attended the Tuolumne County Local Agency Formation Commission (LAFCO) meeting; on June 13th, he attended the Tuolumne County Transportation Council (TCTC) meeting and attended the Southwest Interface Team (SWIFT) meeting; and on June 15th, he toured logging three operations.

Reports-Pland

Supervisor Pland reported that on June 8, 2012, he attended the Rural Counties Summit in Sacramento; on June 9th, he attended a Fund Raiser at Jamestown Railtown; on June 12th he attended a meeting regarding saving Jamestown

Railtown; on June 13th, he attended the Regional Council of Rural Counties (RCRC) meeting , a TCTC meeting and he met with Pete Kampa of Tuolumne Utilities District (TUD); reported on an article from NACo regarding cuts in the Sheriff's Department in Josephine County in Oregon; and reported on the status of his application on a National Forest Advisory Committee.

Reports-Hanvelt

Supervisor Hanvelt reported that he attended several election events, he met with constituents and attended a Tuolumne Water Association meeting; on June 7th, he attended the Central Sierra Planning Counsel and Economic Development District and Council meetings; on June 8th, attended the Amador-Tuolumne Community Action Agency (ATCAA) planning session; on June 11th, he attended the LAFCO meeting and a Farm Bureau meeting; on June 12, he met with constituents, and met with Larry Cope, Economic Development Director, attended the Save the Railtown Fund Raiser event; on June 13th he attended the RCRC meeting and met with Kristin Olsen's staff; on June 15th, he attended the Sustainable Forest Action Coalition meeting in Sacramento; on June 18th, he met with a constituents, attended a Technical Advisory Committee meeting; and attended a Community Resource Agency meeting.

Reports-Pedro

Mr. Pedro reported that he attended a meeting at the Modesto Airport; he attended a road worker staff meeting; reported on the status of the Biological Resources Review Guide (BRRG); and reported on the status of the Jail Roofing project; and announced his upcoming vacation.

Reports-Drivdahl

Ms. Drivdahl reported on her son's immunization at the Tuolumne County Public Health Department.

Closed Session

The Board recessed at 3:09 p.m., to Closed Session - **Conference with Legal Counsel - Existing Litigation** (Authority: Government Code §54656.1(a) Larry Busby v. Central Sierra Planning Council, et al., Tuolumne County Superior Court Case No. CV57480; and 2) **Conference with Labor Negotiators**: Craig Pedro, County Administrator and Bill Morse, Human Resources/Risk Manager, Ann Fremd, Sr. Administrative Analyst, (Authority: Government Code §54957.6) - In Home Supportive Service (IHSS), reconvening at 3:19 p.m.,m the Chair announced that:

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to direct the County Counsel to defend the County in the matter of Larry Busby v. Central Sierra Planning Council, et al., Tuolumne County Superior Court Case No. CV57480, a lawsuit which alleges damages for breach of employment contract and the submittal of the matter to California State Association of Counties (CSAC)-EIA for determination of insurance coverage.

The Chair adjourned the meeting at 3:20 p.m. to the next regular meeting scheduled for July 3, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

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I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: 